CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	v	Force	<u> </u>	Discourt.	U.S.
Ariel Courage		Squad #6	201504916		Abuse	$\overline{\mathbf{V}}$	O.L.	☐ Injury
				_		1.0		
Incident Date(s)		Location of Incident:		1	Precinct:		Mo. SOL	EO SOL
Monday, 06/08/2015 10:54 PM		1	et and East 139th Street and inside the		2/8/2016	12/8/2016		
Date/Time CV Reported		CV Reported At:	How CV Reported:		Date/Time	Rece	eived at CC	RB
Mon, 06/08/2015 10:54 PM		IAB	Phone Tue, 06/16/2015 2:08 PM					
Complainant/Victim	Type	Home Addre	ess					
Witness(es)		Home Addre	ess					
Subject Officer(s)	Shield	TaxID	Command					
1. SGT Willie Briggs	00362	933555	040 PCT					
2. POM Randy Henriquez	08570	952842	040 PCT					
3. POM Chris Goubeaud	26785	954889	PBBX					
4. Officers			040 PCT					
5. An officer	02054	0.40033	040 DCT					
6. SGT Dwayne Watson7. POF Jennyliz Sanchez	03054 16878	940923 949612	040 PCT 040 PCT					
8. SGT Pawel Lachowski	3802	949612	040 PCT					
9. POM Kevin Cameron	4899	954594	PBBX					
10. POM Malachi Mckenith	02680	945983	040 PCT					
11. POF Adora Mojicabarry	04922	949348	040 PCT					
12. CPT Charles Girven	00000	893101	040 PCT					
13. POM Mariano Bulfamante	05533	953708	040 PCT			_		
Witness Officer(s)	Shield N	o Tax No	Cmd Name					
1. POM Fernando Rodriguez	27943	954282	PBBX					

2. POM Sonny Ramcharran	03007	954259	PBBX	
3. SGT Angel Dejesus	4405	934733	PBBX	
4. SGT Peter Curran	694	928139	040 PCT	
5. LT Francesco Pomilla	00000	928979	040 PCT	
6. POM Bryan Zeitler	11743	951462	040 PCT	
7. POM Christophe Allen	14500	917218	040 PCT	
Officer(s)	Allegation			Investigator Recommendation
A.SGT Dwayne Watson			nd Alexander Avenue in the hreatened to arrest \$87(2)(b)	
B.POM Randy Henriquez			reet and Alexander Avenue in lez spoke rudely to serve.	
C.SGT Willie Briggs			reet and Alexander Avenue in spoke rudely to (8 87(2))	
D.SGT Willie Briggs			nd Alexander Avenue in the d physical force against [887(2)]	
E.POM Randy Henriquez			nd Alexander Avenue in the used physical force against	
F.POM Kevin Cameron			nd Alexander Avenue in the sed physical force against	
G.SGT Pawel Lachowski			nd Alexander Avenue in the used physical force against	
H. Officers			nd Alexander Avenue in the force against \$87(2)(b)	
I.CPT Charles Girven		st 139th Street an in Charles Girve	nd Alexander Avenue in the n struck § 87(2)(6) with	
J.POM Chris Goubeaud			nd Alexander Avenue in the sed physical force against	
K.POM Mariano Bulfamante			nd Alexander Avenue in the ate used physical force against	
L. Officers			nd Alexander Avenue in the force against § 87(2)(b)	
M. Officers		st 139th Street an rs struck ^{§ 87(2)(b)}	nd Alexander Avenue in the with asps.	
N. Officers			nd Alexander Avenue in the force against §87(2)(b)	
O. An officer		At East 139th St officer spoke ru	reet and Alexander Avenue in dely to §87(2)(6)	

Witness Officer(s)

Shield No

Tax No

Cmd Name

Officer(s)	Allegation	Investigator Recommendation
P.SGT Pawel Lachowski	Discourtesy: At East 139th Street and Alexander Avenue in the Bronx, Sgt. Pawel Lachowski spoke rudely to \$\frac{8}{5}(2)\$	
Q.CPT Charles Girven	Abuse: At East 139th Street and Alexander Avenue in the Bronx, Captain Charles Girven threatened to arrest [887(2)]	
R. An officer	Discourtesy: At East 139th Street and Alexander Avenue in the Bronx, an officer spoke rudely to § 87(2)(b)	
S. An officer	Force: Inside the 40th Precinct stationhouse, an officer used physical force against \$87(2)(b)	
T.SGT Dwayne Watson	Abuse: Inside the 40th Precinct stationhouse, Sgt. Dwayne Watson threatened to arrest §87(2)(b)	
U.SGT Dwayne Watson	Discourtesy: Inside the 40th Precinct stationhouse, Sgt. Dwayne Watson spoke rudely to \$87(2)(b)	
V.POF Adora Mojicabarry	Discourtesy: Inside the 40th Precinct stationhouse, PO Adora Mojica-Barry spoke rudely to \$87(2)(b)	
W.SGT Willie Briggs	Abuse: At East 139th Street and Alexander Avenue in the Bronx, Sgt. Willie Briggs threatened to arrest [8] 87(2)	
X.POF Jennyliz Sanchez	Discourtesy: Inside the 40th Precinct stationhouse, PO Jennyliz Sanchez spoke rudely to \$87(2)(b)	
Y.POM Malachi Mckenith	Off. Language: Inside the 40th Precinct stationhouse, PO Malachi McKenith made remarks regarding the socioeconomic status of \$87(2)(b) and \$87(2)(b)	

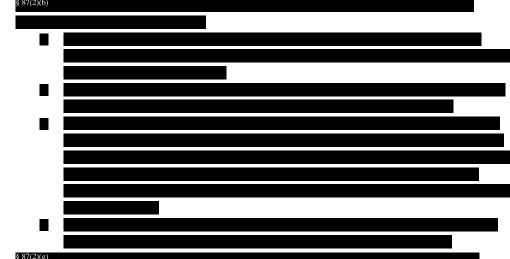
Case Summary

On June 8, 2015, at 10:54 p.m., § 87(2)(b) called 911 to file a complaint about this incident and was forwarded to IAB. On June 8, 2015, at 11:50 p.m., Sgt. Briggs of the 40th Precinct also called IAB to report this incident. On June 16, 2015, this complaint was referred to the CCRB. On June 8, 2015, at approximately 10:30 p.m., \$87(2)(b) and \$87(2)(b) twin sisters, became involved in a dispute with a taxi driver, identified by the investigation as drove § 87(2)(b) and § 87(2)(b) to the 40th Precinct stationhouse. Two officers, only one of whom the investigation was able to identify, Sgt. Dwayne Watson, mediated the dispute between § 87(2)(b) and § 87(2)(b) In the course of mediating this dispute, Sgt. Watson told § 87(2)(b) in reference to § 87(2)(b) "Tell your sister to shut up before she gets arrested." (Allegation A) The officers left after mediating the dispute. §87(2)(b) and §87(2)(b) that the officers had refused to file a criminal complaint against \$87(2)(b) and called several family members to the vicinity of the 40th Precinct stationhouse, or Alexander Avenue between East 138th Street and East 139th Street in the Bronx: § 87(2)(b) and § 87(2)(b) Sgt. Briggs and his operator, PO Henriquez, approached the group. PO Henriquez and Sgt. Briggs both allegedly told the group, "Get the fuck off the block." (Allegations B and C) Additional officers, including PO Cameron, Lt. Pomilla, and PO Sanchez began to gather at this time. The group began to disperse northbound on Alexander Avenue towards East 140th Street, but § 87(2)(b) and § 87(2)(b) decided to turn back. When § 87(2)(b) returned to the southwest corner of Alexander Avenue and East 139th Street, Sgt. Briggs and PO Henriquez both said, "You can't come back to this fucking block," or, "You can't fucking go this way." (subsumed under Allegations B and C) Sgt. Briggs requested additional units via radio at this time. Sgt. Briggs, PO Henriquez, and PO Cameron then pushed \$87(2)(b) against Sgt. Lachowski's personal vehicle parked at the curb (Allegations D, E, and F). Sgt. Lachowski, who was in his personal vehicle awaiting the start of his tour, exited his vehicle and punched [8] [37(2)(b)] (Allegation G). Sgt. Briggs, PO Henriquez, and PO Cameron then brought §87(2)(b) onto the ground (subsumed under Allegations D, E, and F). Unidentified officers allegedly kicked and kneed § 87(2)(b) (Allegation H). Captain Girven, who responded to Sgt. Briggs' request for additional units, allegedly struck § 37(2)(b) with an asp (Allegation and § 87(2)(b) § 87(2)(b) returned s parents, § 87(2)(b) the scene. § 87(2)(b) called § 87(2)(b) and § 87(2)(b) to the scene. When \$87(2)(6) arrived, PO Goubeaud and PO Bulfamante, as well as unidentified officers, allegedly brought \$87(2)(b) to the ground, kicked him, and punched him (Allegation J, K, and L). Unidentified officers allegedly struck §87(2)(6) with an asp (Allegation M). Unidentified officers brought § 87(2)(b) to the ground and dragged him along the pavement, while unidentified officers pushed § 87(2)(b) onto a vehicle and kicked him (Allegation N). An unidentified officer told § 37(2)(b) "Y'all don't fucking listen." (Allegation O). Sgt. Lachowski told 887(2)(b) "Shut the fuck up and back up" (Allegation P), while Captain Girven told her, "Get off the block or I'm going to arrest all of y'all" (Allegation Q). An unidentified female officer told §87(2)(b) "Get the fuck off the block" (Allegation R). Inside the 40th Precinct stationhouse, an unidentified officer shoved §87(2)(b) that she made contact with the front desk (Allegation S). When \$87(2)(5) went into the stationhouse to inquire about her relatives, Sgt. Watson said, "Get out before we arrest you. Get the fuck out." PO Mojica-Barry said, "Get the fuck out" (Allegation T, U, and V).

belonging to told her, "If In th	left the 40 th Precinct stationhouse, she retrieved an umbrella which she found lying in the street. Sgt. Briggs approached and you don't give me the umbrella, I'm going to arrest you." (Allegation W). e holding cells of the 40 th Precinct stationhouse, PO Jennyliz Sanchez allegedly
approached (Allegation	
	e holding cells of the 40 th Precinct stationhouse, PO Malachi McKenith approached ells and referred to \$87(2)(5)
an	as "hoodlums." (Allegation Y)
recorded of	(BR 01) and \$87(2)(6) (BR 02-06) provided video files they his incident. However, none of the video files they provided depict misconduct (see
summary at § 87(2)	
	on in the second degree, riot in the second degree, criminal mischief: intent to damage awful assembly, and disorderly conduct: refusing to move on (BR 08). §87(2)(6)
wa	arrested and charged with resisting arrest, obstructing governmental administration
	degree, riot in the second degree, unlawful assembly, and disorderly conduct: was arrested and charged with obstructing
governmenta	l administration in the second degree, riot in the second degree, unlawful assembly,
	the third degree, and disorderly conduct: refusing to move on (BR 10). \$87(2)(b)
	(BR 12) were arrested and both charged with obstructing ladministration in the second degree, riot in the second degree, unlawful assembly,
and disorder	y conduct: refusing to move on.
§ 87(2)	
	anduct: fight/violent behavior (BR 13). § 37(2)(b) was released from the 40 th onhouse with a summons for disorderly conduct: refusal to disperse (BR 14).
	Mediation, Civil, and Criminal Histories
	case was mediation ineligible due to the arrests.
• As o	f September 30, 2015, § 87(2)(b) and § 87(2)(b)
	have not filed a Notice of Claim with respect to this incident (BR 15).
§ 87(2)(
• § 87(2)(
3 07(2)(
§ 87(2)(

Page 3 CCRB Case # 201504916

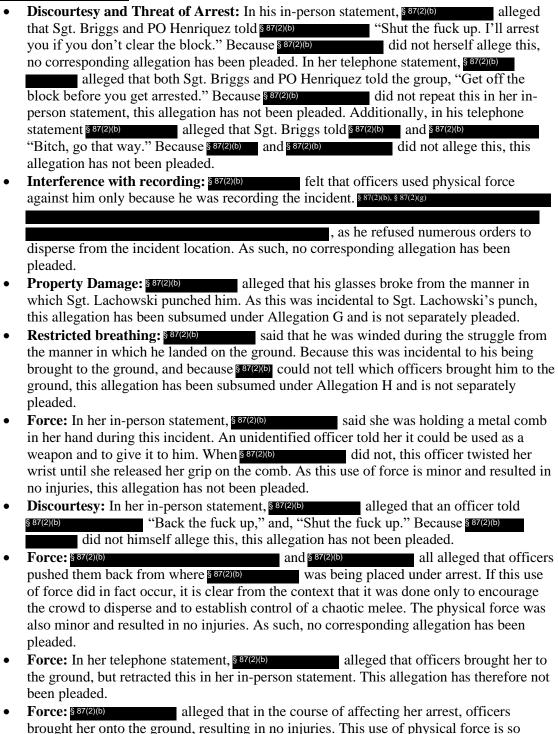
Civilian and Officer CCRB Histories



- Sgt. Watson has been a member of the service for 9 years. There are three prior CCRB allegations against Sgt. Watson from three complaints which occurred between 2006 and 2013.
- Sgt. Briggs has been a member of the service for 11 years. There are three prior CCRB allegations against Sgt. Briggs from two complaints, both of which occurred in 2014. In case 201405652, it was alleged that Sgt. Briggs said, "Who the fuck is she?" and, "Bullshit." This allegation was closed as unsubstantiated. \$87(2)(g)
- PO Henriquez has been a member of the service for 3 years. There are two prior CCRB allegations against PO Henriquez from another case which occurred in 2015. The dispositions of these allegations are still pending.
- PO Cameron has been a member of the service for 2 years. This is the first CCRB allegation against him.
- Sgt. Lachowski has been a member of the service for 9 years. There is one prior CCRB allegation him from a case that occurred in 2006.
- Captain Girven has been a member of the service for 28 years. There are four prior allegations against him across three cases, which occurred in 1989, 1992, and 2001.
- PO Goubeaud has been a member of the service for 2 years. This is the first CCRB allegation against him.
- PO Bulfamante has been a member of the service for 2 years. There is one prior CCRB allegation against him from 2014.
- PO Sanchez has been a member of the service for 5 years. There are three prior allegations against her stemming from one complaint in 2012.
- PO Mojica-Barry has been a member of the service for 5 years. This is the first CCRB allegation against her.
- PO McKenith has been a member of the service for 7 years. There are 20 CCRB allegations against him across 7 cases, the following of which were substantiated:
 - In CCRB case 201308493, allegations of threat of arrest and offensive language were substantiated. The Board recommended instructions and the NYPD penalty was command discipline B as well as instructions.

Page 4 **CCRB Case # 201504916** In CCRB case 201400407, an allegation of physical force was closed as substantiated. The Board's recommendation, and the NYPD penalty, was Command Discipline B.

Allegations Not Pleaded



Page 5
CCRB Case # 201504916

minor that it does not rise to the level of misconduct and has not been pleaded.

alleged that officers pushed her against the side of a vehicle to handcuff her, resulting in no injuries. This is use of physical force is so minor that it does not rise to the level of misconduct and has not been pleaded. alleged that an officer physically pushed § 87(2)(b) the 40th Precinct stationhouse. Because \$87(2)(6) did not herself allege this, no corresponding allegation has been pleaded. Threat of force: § 87(2)(b) alleged that PO McKenith in the holding cells of the 40th Precinct stationhouse told [8 87(2)(b) "I'll fuck you up. We'll go someplace. Just wait until I get my uniform off." Because \$87(2)(6) did not himself allege this, this allegation has not been pleaded. **Potential Issues** scheduled to provide an in-person statement on July 8, 2015, but missed this appointment without providing cancellation notice. § 87(2)(b) rescheduled his appointment for July 10, 2015, but again missed this second appointment without providing cancellation notice. As such, no in-person statement was obtained from him. Five calls were placed to § 87(2)(b) During the first four calls, the undersigned reached a family member, who promised to have §87(2)(b) contact the CCRB. During the fifth call, the undersigned reached §87(2)(b) who scheduled to provide an in-person statement on July 13, 2015, but missed this appointment without providing cancellation notice. Therefore no in-person statement was obtained from him. Five calls were placed to \$37(2)(b) During the first four calls, the undersigned left voice messages for \$87(2)(b) During the fifth call, the undersigned reached who scheduled to provide an in-person statement on July 15, 2015. missed this appointment without providing cancellation notice. Therefore no inperson statement was obtained from her. Attempts to contact other prisoners in the 40th Precinct holding cells who might have witnessed this incident as per the prisoner holding pen roster (BR 27) and command log and § 87(2)(b) (BR 28), § 87(2)(b)not successful. Field Work was conducted for this case, and resulted in neither witnesses nor additional video footage (BR 26). **Results of Investigation** Officer Identification Both § 87(2)(b) and § 87(2)(b) described the officer who threatened to arrest as a black male, 5'5" to 5'8" tall, in his early 30s or 40s, with average build and glasses. § 87(2)(b) and § 87(2)(b) were both unsure as to whether or not this officer was uniformed. This officer was with a second officer, whom neither \$87(2)(6) nor could describe.

said that when \$87(2)(b) was released from the 40th Precinct

stationhouse with a summons, \$87(2)(b) and \$87(2)(b) remained standing outside of the 40th Precinct stationhouse, at which time the same officer who cursed at \$87(2)(b) behind the

Review of the 40th Precinct Roll Call for tour 3 of June 8, 2015, and tour 1 of

front desk, identified by the investigation as Sgt. Dwayne Watson, exited the stationhouse. Sa7(2)(b) accused him of failing to take her criminal complaint. Sa7(2)(b) consequently assumed that Sgt. Watson was the officer who had mediated sa7(2)(b) dispute with the cab driver, though she did not herself witness this interaction.

June 9, 2015 (BR 29), and interrupted patrol log (BR 30) revealed only two officers who Page 6 CCRB Case # 201504916

might have loosely matched this description: PO Christopher Allen, a black male, 6'1" tall, 205 pounds, with salt and pepper hair and brown eyes, who wears glasses, and Sgt. Dwayne Watson, a black male, 5'9" tall, 145 pounds, with black hair and brown eyes, who does not wear glasses, both of whom denied having any involvement in this aspect of the incident. There is no documentation of this part of the incident. However, as per statement, and a lack of any other officers listed on the 40th Precinct Roll Call matching this description, a preponderance of the evidence indicates that Sgt. Watson was the officer who threatened statement with arrest. As such, this allegation has been pleaded against him.

- §87(2)(b) identified PO Henriquez and Sgt. Briggs as the officers who approached the group and used profanity, having read their names from their uniforms. As such, these allegations are pleaded against them.
- PO Henriquez, Sgt. Briggs, Sgt. Lachowski, and PO Cameron acknowledged using some level of physical force against [887(2)(6)] Captain Girven acknowledged using his asp against him. However, [87(2)(6)] could not tell which of the officers involved in his arrest allegedly kicked or kneed him once he was on the ground, and no officer acknowledged doing so. As such, an additional allegation has been pleaded against 'officers' of an unknown command.
- Both PO Goubeaud and PO Bulfamante acknowledged using physical force against

 by bringing him to the ground. As such, allegations of physical force have been pleaded against them.
 could not describe any of the officers who punched or kicked him or struck him with asps, and no officer acknowledged committing these allegations. Allegations of physical force and asp strikes have consequently been pleaded against 'officers' of an unknown command.
- Neither sor(2)(0) nor sor(2)(0) provided in-person statements. Without their cooperation, the investigation could not identify the officers who allegedly used physical force against them. An allegation of physical force has therefore been pleaded against 'officers' of an unknown command.
- \$87(2)(0) alleged that a uniformed, white, female officer, 5'4" to 5'5" tall, in her mid-30s, with black hair, said, "Get the fuck off the block." Because there were multiple officers working at the time of this incident who could potentially match this description, and as no officer acknowledged making this statement, this allegation has been pleaded against 'an officer' of the 40th Precinct.
- \$87(2)(6) alleged that an officer in a white-shirted uniform, 5'5" tall, 40 to 50 years old, with average build, and receding blond hair, said to the crowd, "Get off the block or I'm going to arrest all of y'all." As Captain Girven, a white male, 49 years old at the time of this incident, 5'10" tall, 180 pounds, with blond hair worn in a short crew cut and blue eyes, most closely matches this description, this allegation has been pleaded against him.
- \$87(2)(b) alleged that a white male officer with reddish blond hair, 40 to 50 years old, with muscular build, in casual plainclothes, around 5'7" tall, said, "Shut the fuck up and back up." As this officer matches the description of Sgt. Lachowski, this allegation has been pleaded against him.
- In her telephone statement, §37(2)(b) alleged that an officer, described as a white male, 6'0" tall, with slim build, in his late 40s or 50s, with salt and pepper hair and wearing plainclothes, said, "Y'all don't fucking listen," to the group. As this officer could not be identified, this allegation has been pleaded against 'an officer.'
- \$87(2)(b) described the officer who pushed her inside the 40th Precinct stationhouse as a white male, wearing a white-shirted uniform, in his 40s, about 5'6" to 5'9" tall, with muscular build. This description could equally refer to Captain Girven,

- described above, or to Lt. Pomilla, a white male, old at the time of this incident, 5'7" tall, 170 pounds, with a bald head and blue eyes. Without further evidence, the investigation cannot identify this officer conclusively. As such, this allegation has been pleaded against 'an officer' of the 40th Precinct.
- alleged that she was told by both a black male and Hispanic female officer behind the front desk of the 40th Precinct stationhouse, "Get out before we arrest you. Get the fuck out." As the command log (BR 28) reflects that Sgt. Watson, a black male, was the desk officer at the time [\$87(2)(5)] entered the stationhouse, and that PO Mojica-Barry, a Hispanic female, was the telephone switchboard operator, which is also near the front desk, these allegations have been pleaded against them.
- Although Sgt. Briggs denied threatening to arrest \$87(2)(b) he acknowledged that he attempted to take \$87(2)(b) s umbrella from her. An allegation of threat of arrest has therefore been pleaded against him.
- Although PO Sanchez denied cursing at \$87(2)(b) she acknowledged visiting her in the holding cells to retrieve money from her. As such, an allegation of discourtesy has been pleaded against her.
- Although PO McKenith denied referring to all civilians in the holding cells as "hoodlums," he is the only officer who matches the provided description of a black or Dominican male officer in his 30s, 6'5" tall, with muscular build, in a uniform, who may have been wearing a kufi or yarmulke on his head. As such, this allegation has been pleaded against him.

Allegation A – Abuse of Authority: At East 139th Street and Alexander Avenue in the Bronx, Sgt. Dwayne Watson threatened to arrest § 87(2)(b)

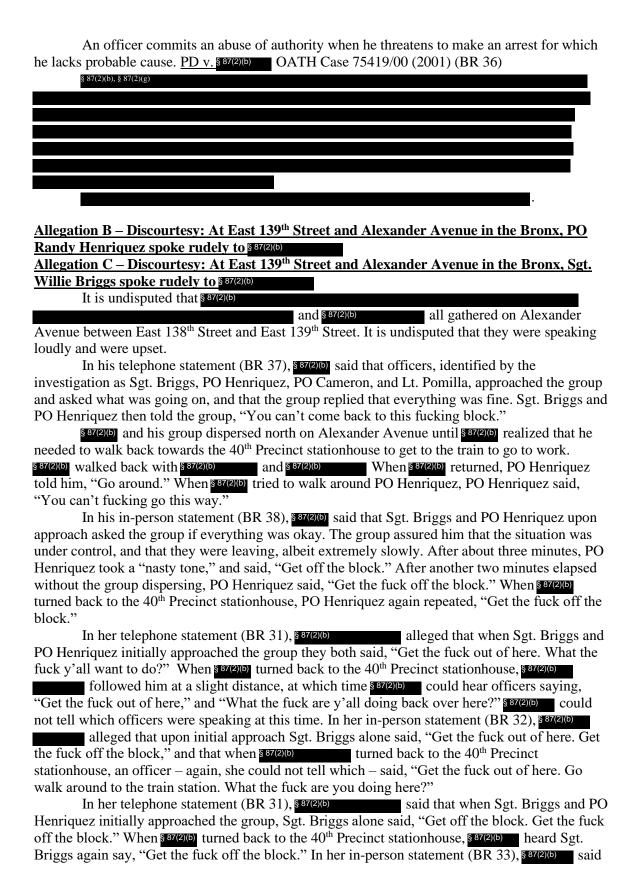
Both \$87(2)(b) (BR 31 and 32) and \$87(2)(b) (BR 31 and 33) said they became involved in a dispute with a cab driver, identified by the investigation as \$87(2)(b) after he took them on a route they did not wish to take and refused to pay him. \$87(2)(b) then drove them to the 40th Precinct stationhouse.

both said that they wanted to file a criminal complaint against \$37(2)(b) claiming that he had ripped \$37(2)(b) s headphones from her ear and flung them away, and became upset when the two officers mediating their dispute refused to do so. Both \$37(2)(b) and \$37(2)(b) acknowledged that they were being loud, and were refusing to pay the cab driver. Both alleged that an officer made some statement to the effect that if did not calm down \$37(2)(b) and \$37(2)(b) are ported multiple different phrasings the officer used in doing so: "If \$37(2)(b) and \$37(2)(b) are ported multiple different phrasings the officer used in doing so: "If \$37(2)(b) are statement to shut up before she gets arrested," (BR 31), "Tell your sister to shut up before she gets arrested," (BR 31), "Tell your sister to be quiet before I lock her up," (BR 32), or, "You better get your sister before I lock her up." (BR 33)

refused to pay him because they felt he was ripping them off. They also denied having sufficient cash on their persons to pay the fare, as the fare was not yet at \$15, the minimum to pay with a card. \$\frac{87(2)(0)}{2} \text{ and }\frac{87(2)(0)}{2} \text{ became irate and were screaming at }\frac{87(2)(0)}{2} \text{ drove} \text{ drove} \text{ them to the }40^{th} \text{ Precinct stationhouse, where two officers, both of whom }\frac{87(2)(0)}{2} \text{ described as black males, spoke with }\frac{87(2)(0)}{2} \text{ and }\frac{87(2)(0)}{2} \text{ not to do so. }\frac{87(2)(0)}{2} \text{ did not hear any officer threaten to arrest }\frac{87(2)(0)}{2} \text{ but noted that he may not have been able to hear this even if it was said, as }\frac{87(2)(0)}{2} \text{ and }\frac{87(2)(0)}{2} \text{ were screaming so loudly.}

Sgt. Watson (BR 35) denied mediating a dispute between \$87(2)(b) and a cab driver. Sgt. Watson denied making any threat to arrest any civilian.

Page 8
CCRB Case # 201504916



Page 9 CCRB Case # 201504916

that Sgt. Briggs said, "Get the fuck off the block," and said she was unsure if any officer used profanity towards [887(2)(b)] when he returned to the 40th Precinct stationhouse. In her telephone statement (BR 39), § 87(2)(b) alleged that both Sgt. Briggs and PO Henriquez said, "Get the fuck off the block. Get the fuck out of here." In her in-person statement (BR 40), §87(2)(b) alleged that PO Henriquez said, "Get the fuck off the block. Move your asses... I don't give a fuck. Get the fuck off the block." § 87(2)(b) corroborate that any officer used profanity when \$87(2)(6) turned back to the 40th Precinct stationhouse. In his telephone statement (BR 41), \$87(2)(b) alleged that both Sgt. Briggs and PO Henriquez told the group, "Get the fuck off the block." § 87(2)(b) did not corroborate that any officer used profanity towards 887(2)(b) when he returned to the 40th Precinct stationhouse. In her telephone statement (BR 42), \$87(2)(b) alleged that upon initial approach Sgt. Briggs told the group, "Get the fuck away," and that when \$87(2)(b) returned to the 40th Precinct stationhouse, Sgt. Briggs said, "Didn't I tell y'all to get the fuck away?" In his telephone statement (BR 43), \$87(2)(b) alleged that Sgt. Briggs upon initial approach told the group, "Get the fuck out of here." \$87(2)(b) also alleged that when \$87(2)(b) returned to the 40th Precinct stationhouse, Sgt. Briggs said, "Fuck that. Go the fuck around." (BR 44 and 45) and §87(2)(b) (BR 46) were not on scene to witness this aspect of the incident. §87(2)(b) had departed the scene by this juncture (BR 34). began recording this encounter only after he returned to the 40th Precinct Sgt. Briggs (BR 47) said he was in his RMP parked outside of the 40th Precinct stationhouse with PO Henriquez when he first observed \$37(2)(5) and his group. The group was arguing loudly amongst themselves. Sgt. Briggs noted that the entire block of Alexander Avenue between East 138th Street and East 139th Street is reserved for police vehicle parking. As the group argued, Sgt. Briggs heard, but did not see, what sounded like an individual banging on a vehicle. Fearing that the group might damage a vehicle, Sgt. Briggs decided to approach them. Sgt. Briggs and PO Henriquez approached the group and told them more than five times over the course of multiple minutes, "Leave. Clear the block." The group was initially combative, saying, "Fuck you, officer, you ain't shit," and, "I'll fuck you up. Take off your uniform," but gradually began to disperse. When § 87(2)(b) and § 87(2)(b) returned, Sgt. Briggs told them "You must disperse. You cannot come here. Turn around and go about your business." Sgt. Briggs denied using profanity and denied hearing any officer do so. PO Henriquez (BR 48) closely corroborated Sgt. Briggs' account. PO Henriquez denied making each statement alleged by the civilians upon initial approach. PO Henriquez did not recall if he used any profanity towards \$87(2)(b) once he returned to the 40th Precinct stationhouse. PO Henriquez did not recall if, in general, he used any profanity during this encounter. PO Sanchez (BR 49) came out of the 40th Precinct stationhouse as PO Henriquez and Sgt. Briggs were in the course of dispersing the group. PO Sanchez denied hearing Sgt. Briggs or PO Henriquez use profanity either as they initially dispersed the group or when §87(2)(b) and § 87(2)(b) returned. PO Cameron (BR 50) and Lt. Pomilla (BR 51) were also waiting in their RMP parked outside of the 40th Precinct stationhouse, and approached the group with Sgt. Briggs and PO Henriquez. PO Cameron and Lt. Pomilla generally corroborated the account of Sgt. Briggs, but neither recalled if they heard Sgt. Briggs or PO Henriquez use any profanity.

> Page 10 CCRB Case # 201504916

personal vehicle outside of the 40th Precinct stationhouse, waiting to begin his tour, when he

Sgt. Lachowski (BR 52) was off-duty at the time of this incident and was parked in his

arrest," and placed [37(2)(b)] s right hand into handcuffs. PO Henriquez pulled [37(2)(b)] s right arm upwards behind his back. \$87(2)(b) pulled his right arm back down. \$87(2)(b) also held his left arm away from PO Henriquez, as he still held his cell phone in this hand, and did not want anything to happen to it. § 87(2)(b) yelled for § 87(2)(b) to come take his cell phone. § 87(2)(b) approached and Sgt. Briggs pushed her backwards. Four or five officers, some of whom were identified by the investigation as PO Henriquez, Sgt. Briggs, and PO Cameron, then pushed front-first against the rear of a vehicle parked at the curb. An officer, identified by the investigation as Sgt. Lachowski, reached across the rear of the vehicle to punch [357(2)6] three times on the side of his face. [37(2)] believed the rear windshield wiper of the vehicle snapped when Sgt. Lachowski reached across the vehicle (in his telephone statement, §87(2)(b) said this damage was caused by the manner in which officers pushed him against the car), causing his glasses to break. § 87(2)(b) thereafter had difficulty seeing what occurred. The officers asked \$87(2)(b) "Why are you resisting arrest?" \$87(2)(b) denied resisting, but acknowledged that he refused officers' attempts to bring him onto the ground. The officers – \$87(2)(b) could not tell which specifically - eventually brought \$87(2)(b) front-first onto the ground. rolled onto his left side, at which point an officer, identified by the investigation as Captain Charles Girven, struck him on his right side of his chest and stomach with an asp. §87(2)(b) did not actually see the asp, but felt blows from a blunt object on his chest. [37/2][5] then rolled back onto his front. Officers – \$87(2)(b) could not tell which – kicked him and kneed him about his back. § 87(2)(b) was then placed in handcuffs. governo did not allege that he sustained any injuries as a result of this use of physical force. After \$37(2)(b) was released from Central Booking, he took a taxi to \$37(2)(b) Hospital, where he was diagnosed with swollen wrists (BR 55). No injuries are depicted in \$87(2)(b) s arrest photograph took pictures of marks to both § 87(2)(b) s wrists and (BR 56). On June 9, 2015, § 87(2)(b) hands, which he provided to the CCRB (BR 57 to 61). (BR 31 and 32) and § 87(2)(b) (BR 31 and 33) generally corroborated this account, though they did not see officers striking \$87(2)(b) with any blunt object, and \$87(2)(b) did not see officers kicking or kneeing \$87(2)(b) Both \$37(2)(b) and \$87(2)(b) indicated that § 87(2)(b) was "moving around" during his arrest. (BR 39 and 40) saw officers push \$87(2)(b) against the rear of the vehicle, and saw an officer punch him. § 87(2)(b) confirmed that § 87(2)(b) called to her, and that she came within about a foot of him, and took his cell phone from him. § 37(2) then walked away and did not further observe the officers' struggle with § 87(2)(b) By the time § 87(2)(b) (BR 44 and 45) and § 87(2)(b) (BR 46) arrived to the scene, \$37(2)(5) had already been brought to the ground. Due to the number of officers surrounding § 87(2)(b) could not see what physical force, if any, was used against him. who was standing behind \$87(2)(b) said she saw multiple officers holding asps, but did not see them make contact with \$87(2)(b) also said she saw officers kicking \$87(2)(b) but could not see how they were positioned relative to him or where the kicks made contact with him. (BR 42) generally corroborated §87(2)(b) s account, but while she saw an officer who she could not describe holding an asp, she did not see the asp make contact with (BR 43) also generally corroborated [887(2)(b)] is account, but said that Sgt. Briggs drew his asp and struck \$87(2)(b) on the back of his legs with it while \$87(2)(b) was against the vehicle. § 87(2)(b) also noted that § 87(2)(b) is "strong," so that multiple officers had to assist in his

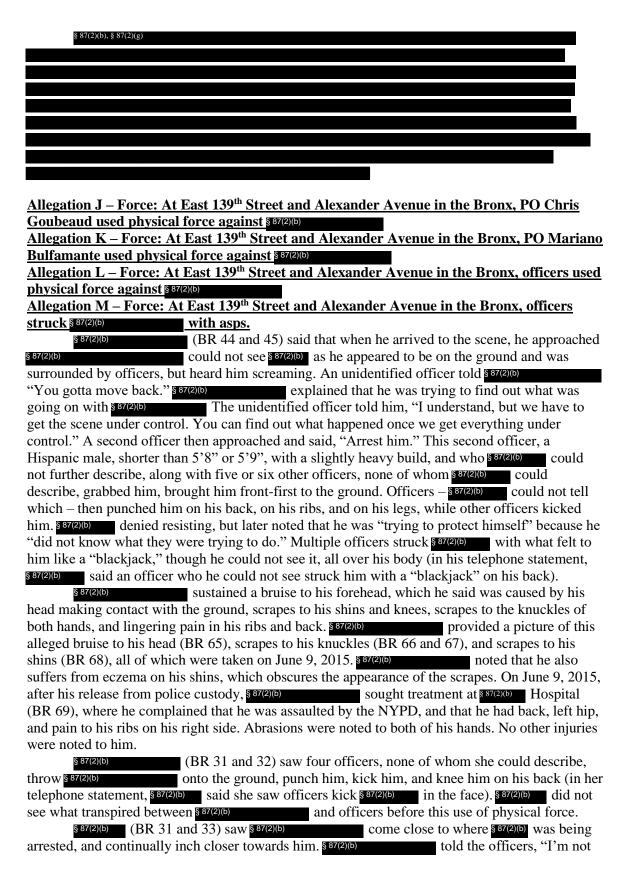
Sgt. Briggs (BR 47) and PO Henriquez (BR 48) both said that (BR 48) resisted his arrest by alternately holding his arms close to his body and flailing them about and pulling his torso away as Sgt. Briggs and PO Henriquez each reached for one of his arms. PO Henriquez added that clung to the hinge of the loose end of the handcuffs, so that PO Henriquez could not

(BR 41) did not see how §87(2)(b) was arrested.

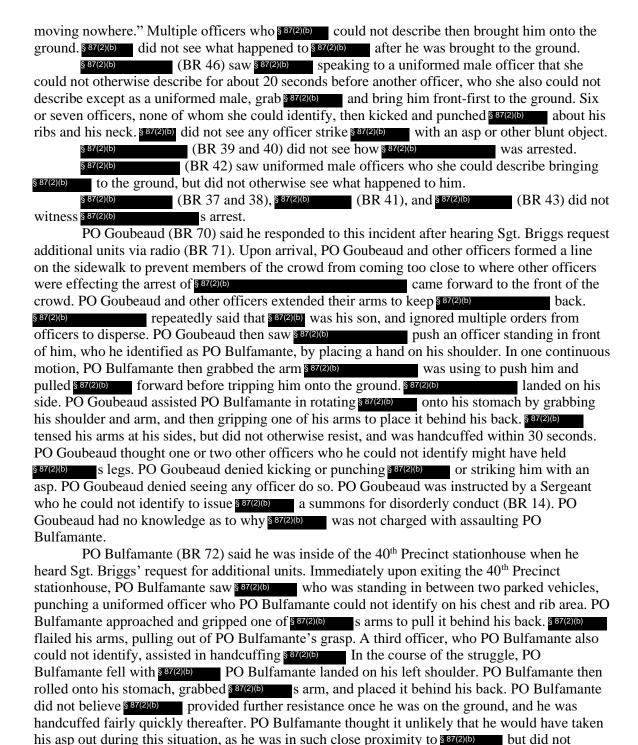
Page 12

handcuff him. Sgt. Briggs and PO Henriquez pushed [\$87(2)(b)] against the rear of a vehicle parked at
the curb to gain leverage in handcuffing him. §87(2)(b) pushed off of this vehicle, and they moved
during the course of the struggle, so that \$87(2)(b) was ultimately positioned front-first on the rear of
Sgt. Lachowski's personal vehicle. \$87(2)(b) grabbed the rear windshield wiper of Sgt. Lachowski's
vehicle, causing it to break. During this time, \$87(2)(b) pulled on Sgt. Brigg's arm, and
punce on Sgt. Brigg's arm, and approached wielding an umbrella he carried like a baseball bat, so that Sgt. Briggs
thought \$87(2)(b) was going to strike him. Sgt. Briggs pushed \$87(2)(b) back, and other,
unidentified officers addressed §87(2)(b) Sgt. Briggs and PO Henriquez denied punching,
kicking, or kneeing §87(2)(b) Neither of them remembered if he was brought to the ground or not.
Neither of them drew their asps or struck [887(2)(b)] with them, or saw officers doing so.
PO Cameron (BR 50) said that he tried to assist PO Henriquez in prying \$87(2)(b) s hand off
of the hinge of the handcuffs, though he could not be more specific about where he made contact
with \$87(2)(b) to do so. PO Cameron did not remember if \$87(2)(b) was brought to the ground. PO
Cameron denied punching, kicking, or kneeing \$87(2)(6)
Sgt. Lachowski (BR 52) said that he exited his vehicle once Sgt. Briggs and PO
Henriquez pushed 887(2)(b) onto its trunk, as he felt the vehicle shaking. When Sgt. Lachowski
exited, he saw that [887(2)(0)] was clinging to the rear windshield wiper of his vehicle with one hand.
was also flailing his arms about, kicking his legs, and screaming. Sgt. Lachowski estimated
that \$87(2)(b) is about 6'4" tall and 250 pounds \$87(2)(b) provided his own height and weight as 6'1",
237 pounds), which made the struggle with him more difficult. Sgt. Lachowski gripped the arm
with which \$87(2)(b) was clinging to the windshield wiper. \$87(2)(b) pulled out of Sgt. Lachowski's
grasp, breaking off a portion of the windshield wiper, which Sgt. Lachowski feared he might use
as a weapon. Sgt. Lachowski reached across the rear of the vehicle to punch \$87(2)(b) in his face.
Sgt. Lachowski did so only once. The punch was light, as Sgt. Lachowski had to reach far across
the vehicle to punch him. Sgt. Lachowski punched (Series) to get him to release his grip on the
windshield wiper. Sgt. Lachowski noted that due to the number of officers surrounding [Se7(2)(6)] and
his positioning relative to Sgt. Lachowski, a punch was one of the only ways for Sgt. Lachowski
to reach [887(2)(b)] After this single punch, a female individual, who Sgt. Lachowski thought
matched the description of \$87(2)(b) though he was not sure, grabbed him and pulled
him off of \$87(2)(b) Sgt. Lachowski thereafter had no interaction with \$87(2)(b) and used no other
physical force against him.
Captain Girven (BR 62) said that when he exited the 40 th Precinct stationhouse, he saw
§87(2)(b) on the ground in between two vehicles with his arms tucked underneath his body as Sgt.
Briggs, as well as two or three other officers, attempted to pull his arms from underneath him.
Captain Girven positioned himself at \$87(2)(b) s legs, drew his asp, and inserted it in between the
crook of \$87(2)(b) s elbow and his torso in order to pry his arms out from underneath him. This was
effective, and once \$87(2)(b) s arms were out from beneath his body, officers placed him in
handcuffs. Captain Girven did not strike \$87(2)(b) with his asp, or see any officer do so.
s arrest report is consistent with officers' accounts of this incident. §87(2)(b)
was charged with criminal mischief for the damage he caused to Sgt. Lachowski's vehicle (BR
08), and the broken windshield wiper was vouchered as arrest evidence (BR 63).
Officers must use the minimum force necessary to overcome resistance and effect an
arrest. Patrol Guide Procedure 203-11. (BR 64)
\$ 87(2)(b), \$ 87(2)(g)

Page 13 CCRB Case # 201504916



Page 14 CCRB Case # 201504916

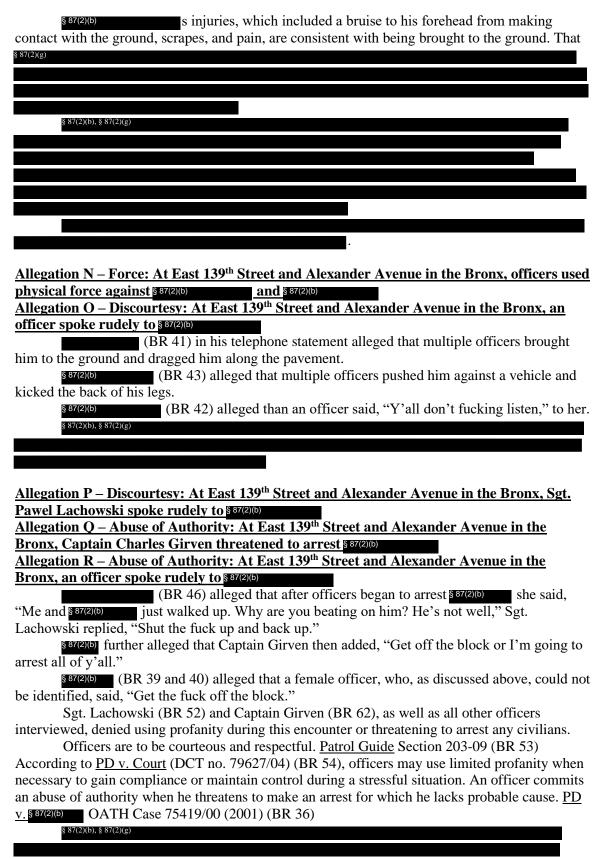


Officers must use the minimum force necessary to overcome resistance and effect an arrest. <u>Patrol Guide</u> Procedure 203-11 (BR 64)

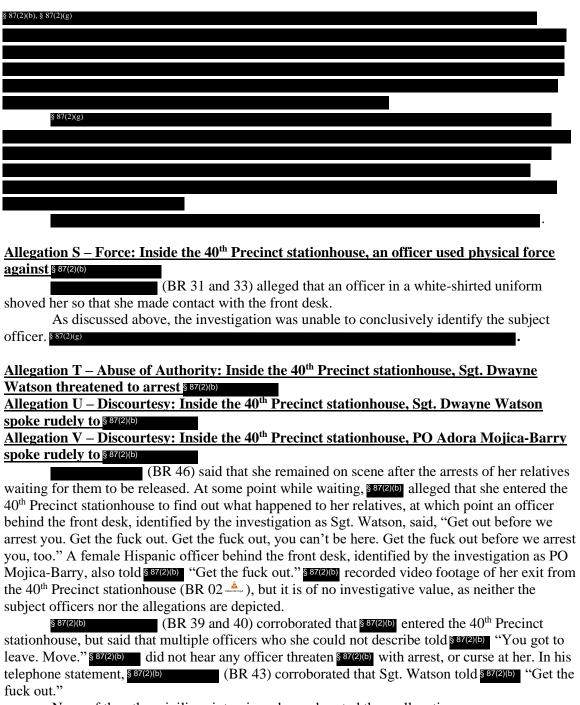
specifically recall whether or not he did, or whether he struck \$87(2)(6) with an asp. PO

Bulfamante did not kick or punch or see any officer do so. PO Bulfamante had no knowledge of why \$87(2)(6) was released with a summons for disorderly conduct and not

charged with assaulting an officer.

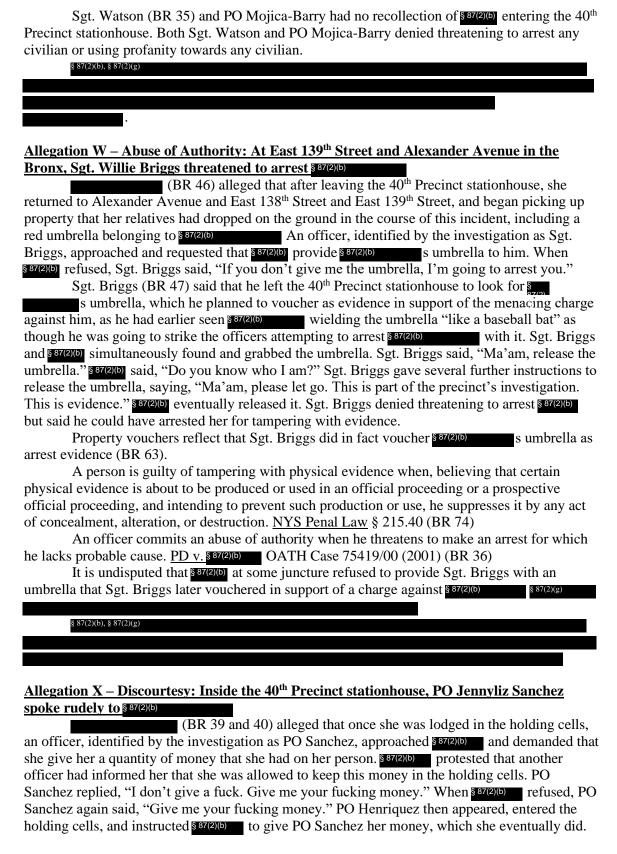


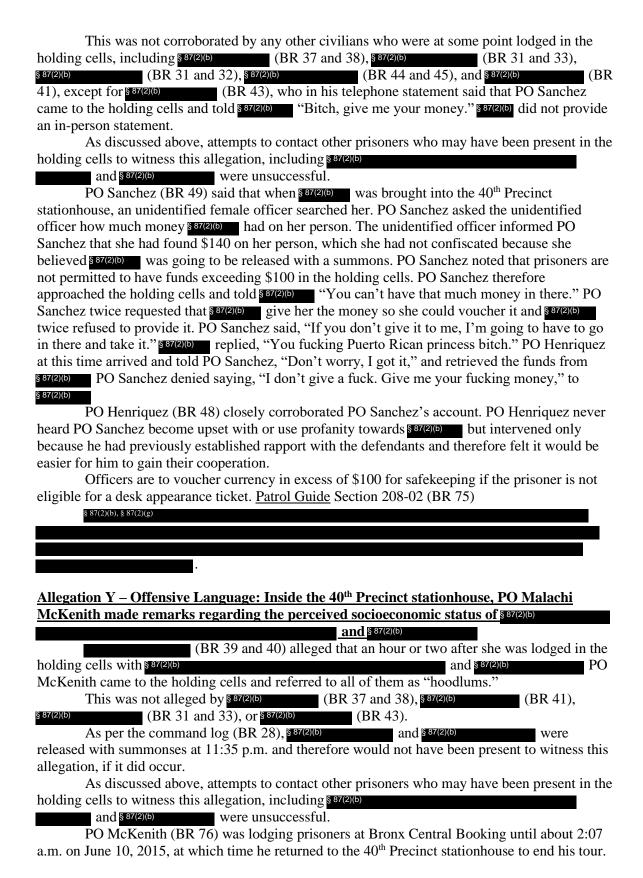
Page 16 CCRB Case # 201504916



None of the other civilians interviewed corroborated these allegations.

The command log confirms that Sgt. Watson was the desk officer at the 40th Precinct stationhouse by 11:20 p.m., where he remained until at least 12:35 a.m. on June 9, 2015, while the defendants were escorted into the stationhouse at 10:50 p.m. (BR 28). Roll call (BR 29) reflects that PO Mojica-Barry was the telephone switchboard operator for tour one of June 9, 2015, and as per her statement (BR 73) was seated behind the front desk by approximately 11:45 p.m.





PO McKenith did not believe he v	went to the holding cells	s, and denied referring	to civilians in the
holding cells as "hoodlums." § 87(2)(g)			
0 th (=)(g)			
			?"
§ 87(2)(g)			
Team:			
1 Caiii			
Investigator:			
Signature	Print	Date	
Supervisor:			
Title/Signature	Print	Date	
ъ :			
Reviewer:Title/Signature	Print	Date	
Title/Signature	1 11111	Date	
Reviewer:			
Title/Signature	Print	Date	